

## Model Policy: Religious Accommodations

Mere tolerance of religious differences in the workplace isn't enough. Federal and state discrimination laws also require employers to take affirmative steps to accommodate the religious beliefs of employees and job applicants to the point of undue hardship. The starting point for compliance is implementing an accommodations policy.

Here's a model you can adapt for your own lab based on the circumstances and specific state or local regulatory requirements.

### Model Policy: Religious Accommodations

#### 1. POLICY STATEMENT

Individual freedom of religion is a core value of XYZ Law Office. To that end, XYZ is committed to providing a work environment in which persons of all faiths and religions are treated with dignity and respect and nobody is forced to choose between their religious beliefs and their employment duties. XYZ's policy is to make good faith efforts to make religious accommodations for employees and job applicants whose sincerely held religious beliefs and creed conflict with their employment obligations under XYZ policies, procedures or practices to the extent such accommodations are reasonable and do not impose undue hardship.

#### 2. PURPOSE

The purpose of this Policy is to establish clear, fair and consistent rules and procedures for requesting, determining and implementing reasonable religious accommodations.

#### 3. DEFINITIONS

For purposes of this Policy:

**A. Creed** encompasses both religious and non-religious beliefs and practices that have a nexus or connection to an

organization, community or shared system of belief, govern one's conduct and are sincerely held and integrally linked to personal identity, self-definition and fulfillment.

- B. Religion** encompasses not just traditional and organized religions but broader religious beliefs and practices, including those that are new, uncommon or not associated with a formal church or sect, including but not limited to indigenous spirituality, provided that such beliefs are sincerely held and integrally linked to personal identity, self-definition and fulfillment.
- C. Religious** means based on religion and/or creed.
- D. Religious accommodations** mean reasonable allowances from or revisions to employment rules, procedures or schedules and/or alterations of the work environment that enable an employee or job applicant to practice or otherwise observe a sincerely held religious practice or belief without causing XYZ undue hardship. Such accommodations may include, without limitation:
- Time for prayer during a work day;
  - Leaves or absences for religious observances;
  - Allowances to dress codes and personal appearance policies, e.g., exemptions from hairstyle or beard policies to accommodate beards;
  - The display of religious symbols;
  - Accommodation of religion- or creed-based dietary restrictions or fasting.
- E. Undue hardship** means significant difficulty or expense based on XYZ resources and circumstances affecting the cost, feasibility or difficulty of providing a specific accommodation. Examples of accommodations inflicting undue hardship include, without limitation, those that would be unduly expensive, substantially disruptive in a way that exceeds mere business inconvenience, require fundamental changes to business operations, and/or threaten any person's workplace health and safety.

#### 4. RESPONSIBILITIES OF DIFFERENT PARTIES

All XYZ Law Practice employers, supervisors and employees have shared responsibilities in implementing this Policy:

- A. Employer:** As the employer, XYZ is responsible for:
- Ensuring that all job applicants and employees are afforded equal opportunity and treated with professionalism, dignity and respect in the workplace regardless of their religion;
  - Ensuring that all workplace policies and procedures are non-discriminatory;
  - Furnishing the resources necessary to implement this Policy;
  - Ensuring that employees and job applicants are advised of their accommodation rights;
  - Ensuring that requests for religious accommodations are addressed in a timely, fair, sensitive and, if possible, confidential manner based on the individual needs and circumstances involved;
  - Ensuring that reasonable accommodations are provided to the point of undue hardship;
  - Reviewing and revising this Policy as necessary to ensure its effectiveness.
- B. Supervisors:** Supervisors are responsible for:
- Fostering an inclusive work environment by personally treating all employees and job applicants with professionalism, respect and dignity regardless of religion;
  - Ensuring that the employees they supervise treat all employees and job applicants with professionalism, respect and dignity regardless of religion;
  - Taking reasonably necessary steps to help XYZ eliminate the barriers that prevent individuals from enjoying equal opportunity;
  - Dealing with requests for religious accommodations in a timely, fair, sensitive and, if possible, confidential manner based on the individual needs and circumstances involved;
  - Cooperating with individuals during the religious accommodations process, including but not limited, to ensuring that such individuals are notified of the information needed by XYZ to evaluate their accommodation requests;
  - Helping XYZ implement reasonable accommodations provided;

- ▶ Helping XYZ Law Practice review and revise this Policy as necessary to ensure its effectiveness.

**C. Employees & Job Applicants:** Employees and job applicants requesting accommodations are responsible for:

- ▶ Following the religious accommodations procedures set forth in Section 5 below;
- ▶ Cooperating in all phases of the accommodations process;
- ▶ Accepting offers of accommodations that are reasonable and meet their needs even if the offered accommodations are not their first choice.

## 5. ACCOMMODATIONS PROCEDURES

**A. Requesting Accommodations:** Employees and job applicants should request religious accommodations in writing by completing the Religious Accommodations Request Form. Employees should give the completed Request Form to their supervisor. Job applicants should give the completed request form to the HR Department.

**B. Deadline for Requests Involving Absences:** Requests for accommodations involving time off from work for religious holidays and observances must be made as early as possible, and no later than 10 business days in advance of the requested day(s) off.

**C. Supporting Documentation:** Where requested, employees and job applicants will provide information to support their requests, including without limitation, documentation verifying their need for accommodation.

**D. Response:** XYZ will respond to all requests for religious accommodations in a timely, fair, sensitive and, if possible, confidential manner.

**E. Criteria for Evaluation:** Requests for religious accommodations will be evaluated case by case based on the individual's needs and circumstances involved, including but not limited to, with regard to financial costs, feasibility of implementation, impact on business, operations, job duties, health and safety, duration and availability of reasonable alternatives. Personal feelings and perceptions of XYZ officials with regard to the religious belief or practice are totally irrelevant and will in no way factor into the evaluation of religious accommodation requests. Nor will any of the following factors be used as criteria in the evaluation:

- ▶ The accommodation's impact on the morale of other employees;
- ▶ Unreasonable customer or third party preferences, e.g., an employee's preference that his co-workers be Christian;
- ▶ The fact that an otherwise reasonable accommodation is banned by a contract;
- ▶ The perception that the religious belief or practice is unreasonable.

**F. Notification of Response:** XYZ will notify all employees and job applicants who request religious accommodations of the response to their requests. If the request accommodation is denied, the individual will be notified of the reasons and, if feasible, offered alternative accommodations.

**G. Appeals:** Employees and job applicants who are not satisfied with the response to their religious accommodation requests may file an appeal with the XYZ HR Department. However, individuals are also expected to accept alternative accommodations that are reasonable and meet their needs, even if such alternatives are not their first preference.

## 6. PRIVACY & CONFIDENTIALITY

XYZ will keep all records of religious accommodations requests in a secure location, separate from employee or job applicant personnel files and kept confidential to the extent required by applicable laws.

## 7. NO RETALIATION

No employee or job applicant will receive adverse treatment regarding their employment or job application in reprisal or retaliation for requesting or receiving religious accommodations. XYZ Law Practice officials and personnel who engage in retaliatory actions in violation of this Policy will be subject to discipline up to and including termination.

